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MAGINOT, MOOR & BECK
111 MONUMENT CIRCLE, SUITE 3000
BANK ONE CENTER/TOWER
INDIANAPOLIS, IN 46204

EXAMINER	
ELPENORD, CANDAL	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/526,529	MISHRA ET AL.	
	Examiner	Art Unit	
	CANDAL ELPENORD	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 February 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *9-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 March 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *13 June 2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicants arguments filed on February 27, 2008 have been fully considered but they are not persuasive.

2. Claims 27-28 have been amended.

Regarding claims 9-28, the applicants alleged that there is no selective deletion specifically of the broadcast packets is carried out.

In response, the Examiner respectfully disagrees with the applicant assertion because that "selective deletion" is not a cited limitation in the claim. Even if it were embodied in the claim, Bonomi '492 explicitly discloses rejecting cells and then indicate that particular cells have been rejected as recited in col. 10, lines 46-57. Additionally, Valdevit '345 explicitly discloses selective broadcast handling procedures including elimination of the traffic that is causing the broadcast storm as suggested in col. 2, lines 56-63, col. 8, lines 55-65.

The applicants alleged that Bonomi '492 cannot operate where there is no common memory.

In response, the Examiner respectfully disagrees with the applicant assertion since the "common memory" is not recited any where in the claims. Thus, that argument is moot.

Regarding claims 9, 17, 25, the applicant alleged that the combination of Bonomi '492 and Valdevit '345 is not combinable.

In response, the Examiner respectfully disagrees with the applicant assertion because the test for obviousness is not whether or not the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. **Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art.** See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case the Examiner asserts that combination of Bonomi '492 and Valdevit '345 when considered as whole clearly teaches selective broadcast handling procedure (see Valdevit '345, col. 2, lines 56-63).

In view of the above reasons, the Examiner asserts that the claims 9-28 are obvious over Bonomi '492 in view of Valdevit '345, and the rejections are maintained as follows.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claims 9-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonomi et al (US 6,292,492 B1) in view of Valdevit et al (US 5,636,345).

Regarding claim 9, Bonomi '492 discloses an arrangement in a data switch (fig. 1, Switching arrangement, recited in col. 6, lines 52-61) having a plurality of ingress ports (fig. 2, Input ports 210-A-210-C, recited in col. 7, lines 35-42) and egress ports (fig. 2, Output Ports 230-A-230-C, recited in col. 7, lines 35-42) connected by a switching fabric (fig. 1, switching elements, recited in col. 6, lines 52-56 and "end-system switches", recited in col. 7, lines 1-12), the arrangement (fig. 1, Switching arrangement, recited in col. 6, lines 52-61) comprising: a plurality of ingress queues (fig. 2, Queue 250 or plurality of queues 220-A-220-Z, recited in col. 7, lines 43-53)

configured to queue data derived from data packets ("buffered cells", recited in col. 3, lines 48-52 and col. 7, lines 35-42) received at the ingress ports (fig. 2, Input ports 210-A-210-C, recited in col. 7, lines 35-42); a broadcast packet estimation unit (fig. 4, Traffic manager, "multicast processing of cells:, recited in col. 4, lines 45-53 and "determining whether or not to reject cells based on memory", recited in col. 10, lines 32-45, "traffic manager keeping track per connection of queue length", recited in col. 4, lines 9-15)) configured to obtain a measure of the frequency of arrival of broadcast packets ("frequency of examining a port", recited in col. 10, lines 15-19) based on a measure of the length of at least one of the queues ("processing multicast cell based on the length of queue", recited in col. 5, lines 31-42, "traffic manager keeping track per connection of queue length", recited in col. 4, lines 9-15).

Regarding claims 10, Bonomi '492 discloses the arrangement (fig. 1, Switching arrangement, recited in col. 6, lines 52-61) having a plurality of ingress ports (fig. 2, Input ports 210-A-210-C, recited in col. 7, lines 35-42) wherein the broadcast packet estimation unit (fig. 4, Traffic manager, "multicast processing of cells:, recited in col. 4, lines 45-53 and "determining whether or not to reject cells based on memory", recited in col. 10, lines 32-45) is configured to determine the measure of the frequency of arrival of broadcast packets ("multicast cell", recited in col. 5, lines 1-13) as the length ("counter for queue length", recited in col. 5, lines 1-5) of the longest of the queues ("longest branch queue", recited in col. 16, lines 38-59).

Regarding claim 17, Bonomi '492 discloses a method of operating a data switch ("switch using memory to buffer multicast cells", recited in col. 3, lines 48-63 and fig. 1,

Switching arrangement, recited in col. 6, lines 52-61) having a plurality of ingress ports (fig. 2, Input ports 210-A-210-C, recited in col. 7, lines 35-42) and egress ports (fig. 2, Output Ports 230-A-230-C, recited in col. 7, lines 35-42) connected by a switching fabric (fig. 1, switching elements, recited in col. 6, lines 52-56 and "end-system switches", recited in col. 7, lines 1-12) , the switch (fig. 1, Switching arrangement, recited in col. 6, lines 52-61) having a plurality of ingress queues (fig. 2, Queue 250 or plurality of queues 220-A-220-Z, recited in col. 7, lines 43-53) for queuing data derived from data packets ("buffered cells", recited in col. 3, lines 48-52 and col. 7, lines 35-42) arriving at the ingress ports (fig. 2, Queue 250 or plurality of queues 220-A-220-Z, recited in col. 7, lines 43-53) , the method comprising: a) deriving a measure ("traffic manager keeping track per connection of queue length", recited in col. 4, lines 9-15) of a length of at least one of the queues ("queue length of connections", recited in col. 5, lines 62-67), (b) using the measure of a length of at least one of the queues ("processing multicast cell based on the length of queue", recited in col. 5, lines 31-42), to obtain a measure of a frequency of arrival (noted: frequency of examining a port with respect to connections, recited in col. 10, lines 15-19 and "congestion levels and increment of aggregate memory", recited in col. 16, lines 54-64) of broadcast packets (fig. 4, Traffic manager, "processing of multicast cells:, recited in col. 4, lines 45-53 and "determining whether or not to reject cells based on memory", recited in col. 10, lines 32-45).

Regarding claim 18, Bonomi '492 discloses the method wherein step b) further comprises using the measure of a length of the longest of the queues ("longest branch queue", recited in col. 16, lines 38-59 and "congestion levels and increment of

aggregate memory", recited in col. 16, lines 54-64) to obtain the measure of the frequency of arrival of broadcast packets ("dynamically varying upper threshold memory during periods of high congestion", recited in col. 8, lines 21-27-implies that there is heavy traffic).

Regarding claim 24, Bonomi '492 discloses the method wherein step b) further comprises using a sum ("sum of total memory storage and total memory space used by connections", recited in col. 11, lines 41-48 and col. 12, lines 3-7) a length a plurality of the at least one queues ("queue length of connections", recited in col. 5, lines 62-67) to obtain the measure of the frequency of arrival of broadcast packets ("updated of memory storage area every eight transmission unit", recited in col. 11, lines 49-55-this how frequent the cells are arriving at the buffer).

Regarding claim 25, Bonomi '492 discloses a method of operating a data switch ("switch using memory to buffer multicast cells", recited in col. 3, lines 48-63 and fig. 1, Switching arrangement, recited in col. 6, lines 52-61) having a plurality of ingress ports (fig. 2, Input ports 210-A-210-C, recited in col. 7, lines 35-42) and egress ports (fig. 2, Output Ports 230-A-230-C, recited in col. 7, lines 35-42) connected by a switching fabric (fig. 1, switching elements, recited in col. 6, lines 52-56 and "end-system switches", recited in col. 7, lines 1-12), the switch having a plurality of ingress queues (fig. 2, Queue 250 or plurality of queues 220-A-220-Z, recited in col. 7, lines 43-53) for queuing data derived from data packets ("buffered cells", recited in col. 3, lines 48-52 and col. 7, lines 35-42) arriving at the ingress ports (fig. 2, Input ports 210-A-210-C, recited in col.

7, lines 35-42), the method comprising: a) deriving a measure ("traffic manager keeping track of connection of queue length", recited in col. 4, lines 9-15) of a length of at least one of the queues("queue length of connections", recited in col. 5, lines 62-67); b) using the measure of a length of a longest ("longest branch queue", recited in col. 16, lines 38-59 and "congestion levels and increment of aggregate memory", recited in col. 16, lines 54-64) of the at least one queues to obtain a measure of a frequency of arrival of broadcast packets (heavy traffic during congestion periods-the data are arriving at a quick pace, the traffic manager increment the memory, recited in col. 16, lines 65-68 and col. 17, lines 3-9).

Regarding claim 26, Bonomi '492 discloses the method wherein step b) further comprises using the measure of the length ("counter for queue length", recited in col. 5, lines 1-5) of the longest of the at least one queues ("longest branch queue", recited in col. 16, lines 38-59) as the measurement of the frequency of arrival of broadcast packets (fig. 4, Traffic manager, "multicast processing of cells, recited in col. 4, lines 45-53 and "determining whether or not to reject cells based on memory", recited in col. 10, lines 32-45).

Bonomi et al. discloses the arrangement (fig. 1, Switching arrangement, recited in col. 6, lines 52-61) as recited in **claims 11-17**.

However, Bonomi et al. is silent in regard to the following features: **regarding claim 9**, a broadcast packet control unit having a broadcast storm control mode in which the broadcast packet control unit performs a broadcast storm control operation, the broadcast packet control unit configured to operate in broadcast storm control mode

based on the obtained measure of the frequency of arrival of broadcast packets, **regarding claim 11**, the broadcast packet control unit is configured to perform the broadcast storm control by deleting at least some of the broadcast packets, **regarding claim 12**, the broadcast packet control unit is configured to perform the broadcast storm control by deleting at least some of the broadcast packets when the broadcast packet estimation unit indicates that the measure of the frequency of arrival of broadcast packets is above a first predetermined level, **regarding claim 13**, the broadcast packet deletion unit is configured to cease deleting packets when the broadcast packet estimation unit indicates that the measure of the frequency of arrival of broadcast packets is below a second predetermined level, **regarding claim 14**, the broadcast packet control unit is configured to perform the broadcast storm control by deleting at least some of the broadcast packets, **regarding claim 15**, the broadcast packet control unit is configured to perform the broadcast storm control by deleting at least some of the broadcast packets when the broadcast packet estimation unit indicates that the measure of the frequency of arrival of broadcast packets is above a first predetermined level, **regarding claim 16**, the broadcast packet control unit is configured to perform the broadcast storm control when the broadcast packet estimation unit indicates that the measure of the frequency of arrival of broadcast packets is above a first predetermined level, **regarding claim 17**, triggering a broadcast storm control mode in which broadcast storm control is performed according to the measure of the frequency of arrival of broadcast packets, **regarding claim 19**, the method wherein step c) further comprises triggering a broadcast storm control mode in which broadcast storm control is

performed when the measure of the frequency of arrival of broadcast packets rises above a first predetermined level, **regarding claim 20**, the method, wherein the broadcast storm control is performed by deleting at least some of the broadcast packets, **regarding claim 21**, the method further including a step of ceasing to delete packets when the measure of the frequency of arrival of broadcast packets falls below a second predetermined level, **regarding claim 22**, the method wherein step c) further comprises triggering a broadcast storm control mode in which broadcast storm control is performed when the measure of the frequency of arrival of broadcast packets rises above a first predetermined level, **regarding claim 25**, triggering a broadcast storm control mode in which broadcast storm control is performed according to the measure of the frequency of arrival of broadcast packets; **regarding claim 27**, the method further including a step of ceasing to delete packets when the measure of the frequency of arrival of broadcast packets falls below a predetermined level; **regarding claim 28**, , the method further including a step of ceasing to delete packets when the measure of the frequency of arrival of broadcast packets falls below a predetermined level.

However, Valdevit '345 from the same field of endeavor discloses the above claimed features:

Regarding claim 9, Valdevit '345 discloses a broadcast packet control unit ("monitored of node broadcast rates", recited in abstract, lines 1-8) having a broadcast storm control mode ("rate exceeding allowed broadcast rates-occurrence of broadcast storm" and indicating of warning signal thereafter, recited in abstract, lines 8-21) in which the broadcast packet control unit ("rate violation unit detecting exceeded rates

and execution of counter measures", recited in col. 3, lines 26-30) performs a broadcast storm control operation ("generation of warning signal to indicate the occurring broadcast storm", recited in abstract, lines 13-18), the broadcast packet control unit ("rate violation unit detecting exceeded rates and execution of counter measures", recited in col. 3, lines 26-30) configured to operate in broadcast storm control mode ("counter measures executed", recited in col. 3, lines 26-30) based on the obtained measure of the frequency of arrival of broadcast packets ("detection of arrival rates of broadcast messages", recited in col. 3, lines 20-26).

In view of the above, having a switching with memory to buffers incoming cells of Bonomi '492 and then given the well-established teaching of broadcast storm control of Valdevit '345, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the features as of Bonomi et al. by using features as taught by Valdevit et al. in order to provide protection against broadcast storm as suggested by Valdevit in col. 2, lines 56 to col. 3, lines 15).

Regarding claim 11, Valdevit '345 discloses the broadcast packet control unit ("rate violation handling unit taking counter measures", recited in col. 3, lines 26-30) is configured to perform the broadcast storm control ("measures taken against detrimental broadcast storm", recited in col. 7, lines 35-43) by deleting at least some of the broadcast packets ("elimination of network traffic that is causing the storm", recited in col. 8, lines 55-65).

In view of the above, having a switching with memory to buffers incoming cells of Bonomi '492 and then given the well-established teaching of broadcast storm control of

Valdevit '345, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the features as of Bonomi et al. by using features as taught by Valdevit et al. in order to provide protection against broadcast storm as suggested by Valdevit in col. 2, lines 56 to col. 3, lines 15).

Regarding claim 12, Valdevit '345 discloses the broadcast packet control unit ("monitored of node broadcast rates", recited in abstract, lines 1-8) is configured to perform the broadcast storm control ("measures taken against detrimental broadcast storm", recited in col. 7, lines 35-43) by deleting at least some of the broadcast packets ("elimination of network traffic that is causing the storm", recited in col. 8, lines 55-65) when the broadcast packet estimation unit indicates that the measure of the frequency of arrival of broadcast packets is above a first predetermined level ("broadcast rates exceeding the maximum allowed rate", recited in col. 3, lines 6-15 and "predetermined threshold", recited in col. 6, lines 4-14).

In view of the above, having a switching with memory to buffers incoming cells of Bonomi '492 and then given the well-established teaching of broadcast storm control of Valdevit '345, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the features as of Bonomi '492 by using features as taught by Valdevit '492.in order to provide protection against broadcast storm as suggested by Valdevit'345 in col. 2, lines 56 to col. 3, lines 15.

Regarding claim 13, Valdevit '345 discloses the broadcast packet deletion unit is configured to cease deleting packets ("when the broadcast rates fall below

predetermined level, the computer system processes broadcast data/messages", recited in col. 8, lines 44-54) when the broadcast packet estimation unit ("rate monitoring of broadcast arrivals", recited in col. 6, lines 1-14) indicates that the measure of the frequency of arrival of broadcast packets ("determining broadcast rates", recited in col. 7, lines 14-19) is below a predetermined level ("cease to generate when broadcast rate falls below maximum rate", recited in col. 8, lines 32-38).

In view of the above, having a switching with memory to buffers incoming cells of Bonomi '492 and then given the well-established teaching of broadcast storm control of Valdevit '345, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the features as of Bonomi et al. by using features as taught by Valdevit et al. in order to provide protection against broadcast storm as suggested by Valdevit in col. 2, lines 56 to col. 3, lines 15).

Regarding claim 14, Valdevit '345 discloses the broadcast packet control unit ("rate violation unit detecting exceeded rates and execution of counter measures", recited in col. 3, lines 26-30 and "measures taken against detrimental broadcast storm", recited in col. 7, lines 35-43) is configured to perform the broadcast storm control ("measures taken against detrimental broadcast storm", recited in col. 7, lines 35-43) by deleting at least some of the broadcast packets ("elimination of network traffic that is causing the storm", recited in col. 8, lines 55-65).

In view of the above, having a switching with memory to buffers incoming cells of Bonomi '492 and then given the well-established teaching of broadcast storm control of Valdevit '345, it would have been obvious to one having ordinary skill in the art at the

time the invention was made to modify the features as of Bonomi '492. by using features as taught by Valdevit '345 in order to provide protection against broadcast storm as suggested by Valdevit in col. 2, lines 56 to col. 3, lines 15).

Regarding claim 15, Valdevit '345 discloses the broadcast packet control unit ("rate violation unit detecting exceeded rates and execution of counter measures", recited in col. 3, lines 26-30) is configured to perform the broadcast storm control ("measures taken against detrimental broadcast storm", recited in col. 7, lines 35-43) by deleting at least some of the broadcast packets ("elimination of network traffic that is causing the storm", recited in col. 8, lines 55-65) when the broadcast packet estimation unit indicates that the measure of the frequency of arrival of broadcast packets is above a first predetermined level ("broadcast rates exceeding the maximum allowed rate", recited in col. 3, lines 6-15 and "predetermined threshold", recited in col. 6, lines 4-14).

In view of the above, having a switching with memory to buffers incoming cells of Bonomi '492 and then given the well-established teaching of broadcast storm control of Valdevit '345, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the features as of Bonomi '492 by using features as taught by Valdevit '345. in order to provide protection against broadcast storm as suggested by Valdevit in col. 2, lines 56 to col. 3, lines 15).

Regarding claim 16, Valdevit '345 discloses the broadcast packet control unit ("rate violation handling unit taking counter measures", recited in col. 3, lines 26-30) is

configured to perform the broadcast storm control ("measures taken against detrimental broadcast storm", recited in col. 7, lines 35-43) when the broadcast packet estimation unit ("determining broadcast rates", recited in col. 7, lines 14-19) indicates that the measure of the frequency of arrival of broadcast packets ("detecting of arrival rates in ATM network", recited in col. 3, lines 20-26 and fig. 2 ATM network, recited in col. 4, lines 52-67) is above a first predetermined level ("broadcast rates exceeding the maximum allowed rate", recited in col. 3, lines 6-15 and "predetermined threshold", recited in col. 6, lines 4-14).

In view of the above, having a switching with memory to buffers incoming cells of Bonomi '492 and then given the well-established teaching of broadcast storm control of Valdevit '345, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the features as of Bonomi et al. by using features as taught by Valdevit et al. in order to provide protection against broadcast storm as suggested by Valdevit in col. 2, lines 56 to col. 3, lines 15).

Regarding claim 17, Valdevit '345 discloses triggering a broadcast storm control mode ("rate exceeding allowed broadcast rates-occurrence of broadcast storm" and indicating of warning signal thereafter, recited in abstract, lines 8-21) in which broadcast storm control ("measures taken against detrimental broadcast storm", recited in col. 7, lines 35-43) is performed according to the measure of the frequency of arrival of broadcast packets ("detection of arrival rates of broadcast messages", recited in col. 3, lines 20-26).

In view of the above, having a switching with memory to buffers incoming cells of Bonomi '492 and then given the well-established teaching of broadcast storm control of Valdevit '345, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the features as of Bonomi et al. by using features as taught by Valdevit et al. in order to provide protection against broadcast storm as suggested by Valdevit in col. 2, lines 56 to col. 3, lines 15).

Regarding claim 19, Valdevit '345 discloses the method wherein step c) further comprises triggering a broadcast storm control mode ("rate exceeding allowed broadcast rates-occurrence of broadcast storm" and indicating of warning signal thereafter, recited in abstract, lines 8-21) in which broadcast storm control ("measures taken against detrimental broadcast storm", recited in col. 7, lines 35-43) is performed when the measure of the frequency of arrival of broadcast packets rises above a first predetermined level ("broadcast rates exceeding the maximum allowed rate", recited in col. 3, lines 6-15 and "predetermined threshold", recited in col. 6, lines 4-14).

In view of the above, having a switching with memory to buffers incoming cells of Bonomi '492 and then given the well-established teaching of broadcast storm control of Valdevit '345, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the features as of Bonomi et al. by using features as taught by Valdevit et al. in order to provide protection against broadcast storm as suggested by Valdevit in col. 2, lines 56 to col. 3, lines 15).

Regarding claim 20, Valdevit '345 discloses the method, wherein the broadcast storm control ("measures taken against detrimental broadcast storm", recited in col. 7, lines 35-43) is performed by deleting at least some of the broadcast packets ("elimination of network traffic that is causing the storm", recited in col. 8, lines 55-65).

In view of the above, having a switching with memory to buffers incoming cells of Bonomi '492 and then given the well-established teaching of broadcast storm control of Valdevit '345, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the features as of Bonomi et al. by using features as taught by Valdevit et al. in order to provide protection against broadcast storm as suggested by Valdevit in col. 2, lines 56 to col. 3, lines 15).

Regarding claim 21, Valdevit '345 discloses the method further including a step of ceasing to delete packets ("when the broadcast rates fall below predetermined level, the computer system processes broadcast data/messages", recited in col. 8, lines 44-54-implies that there in no longer elimination of broadcast data once the rates fall below the predetermined threshold) when the measure of the frequency of arrival of broadcast packets ("determining broadcast rates", recited in col. 7, lines 14-19) falls below a predetermined level ("cease to generate when broadcast rate falls below maximum rate", recited in col. 8, lines 32-38).

In view of the above, having a switching with memory to buffers incoming cells of Bonomi '492 and then given the well-established teaching of broadcast storm control of Valdevit '345, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the features as of Bonomi et al. by using

features as taught by Valdevit et al. in order to provide protection against broadcast storm as suggested by Valdevit in col. 2, lines 56 to col. 3, lines 15).

Regarding claim 22, Valdevit '345 discloses the method wherein step c) further comprises triggering a broadcast storm control mode ("rate exceeding allowed broadcast rates-occurrence of broadcast storm" and indicating of warning signal thereafter, recited in abstract, lines 8-21) in which broadcast storm control ("measures taken against detrimental broadcast storm", recited in col. 7, lines 35-43) is performed when the measure of the frequency of arrival of broadcast packets ("detection of arrival rates of broadcast messages", recited in col. 3, lines 20-26) rises above a first predetermined level ("broadcast rates exceeding the maximum allowed rate", recited in col. 3, lines 6-15 and "predetermined threshold", recited in col. 6, lines 4-14).

In view of the above, having a switching with memory to buffers incoming cells of Bonomi '492 and then given the well-established teaching of broadcast storm control of Valdevit '345, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the features as of Bonomi '492 by using features as taught by Valdevit '345 in order to provide protection against broadcast storm as suggested by Valdevit in col. 2, lines 56 to col. 3, lines 15).

Regarding claim 25, Valdevit '345 discloses triggering a broadcast storm control mode ("rate exceeding allowed broadcast rates-occurrence of broadcast storm" and indicating of warning signal thereafter, recited in abstract, lines 8-21) in which broadcast storm control ("measures taken against detrimental broadcast storm", recited in col. 7,

lines 35-43) is performed according to the measure of the frequency of arrival of broadcast packets ("detection of arrival rates of broadcast messages", recited in col. 3, lines 20-26).

In view of the above, having a switching with memory to buffers incoming cells of Bonomi '492 and then given the well-established teaching of broadcast storm control of Valdevit '345, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the features as of Bonomi et al. by using features as taught by Valdevit et al. in order to provide protection against broadcast storm as suggested by Valdevit in col. 2, lines 56 to col. 3, lines 15).

Regarding claim 27, the method further including a step of ceasing to delete packets when the measure of the frequency of arrival of broadcast packets ("rate monitoring of broadcast arrivals", recited in col. 6, lines 1-14) falls below a predetermined level ("when the broadcast rates fall below predetermined level, the computer system processes broadcast data/messages", recited in col. 8, lines 44-54, "cease to generate when broadcast rate falls below maximum rate", recited in col. 8, lines 32-38).

In view of the above, having a switching with memory to buffers incoming cells of Bonomi '492 and then given the well-established teaching of broadcast storm control of Valdevit '345, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the features as of Bonomi et al. by using features as taught by Valdevit et al. in order to provide protection against broadcast storm as suggested by Valdevit in col. 2, lines 56 to col. 3, lines 15).

Regarding claim 28, Valdevit '345 discloses the method further including a step of ceasing to delete packets when the measure of the frequency of arrival of broadcast packets ("rate monitoring of broadcast arrivals", recited in col. 6, lines 1-14) falls below a predetermined level ("when the broadcast rates fall below predetermined level, the computer system processes broadcast data/messages", recited in col. 8, lines 44-54, "cease to generate when broadcast rate falls below maximum rate", recited in col. 8, lines 32-38).

In view of the above, having a switching with memory to buffers incoming cells of Bonomi '492 and then given the well-established teaching of broadcast storm control of Valdevit '345, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the features as of Bonomi et al. by using features as taught by Valdevit et al. in order to provide protection against broadcast storm as suggested by Valdevit in col. 2, lines 56 to col. 3, lines 15).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bass et al (US 6,587,741) discloses method and system for suppressing broadcast messages based on the count of the messages.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDAL ELPENORD whose telephone number is (571)270-3123. The examiner can normally be reached on Monday through Friday 7:30AM to 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang Bin Yao can be reached on (571) 272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Candal Elpenord/
Examiner, Art Unit 2616

/Aung S. Moe/
Supervisory Patent Examiner, Art Unit 2616